

4-4-22

# United States Bankruptcy - Excusable Neglect Hearing

## I. Jurisdiction and Venue

1). This is a chapter 11 Bankruptcy case claim in which creditor Michael T O'Brien begs this GREAT COURT for his claim to be recognized as being filed timely. This court has the Authority under the Federal Rule of Bankruptcy procedure 9006 (B)(1) this creditor is requesting for what constitutes as "Excusable Neglect" to be applied to his claim. This creditor's personal injury claimant # were filed by the Purdue Pharma claims Processing center after the July 30, 2020 Bar date.

## "II Facts"

2) The global Pandemic has slowed and halted my life. Due to the Nation wide lock down, my ability to communicate and correspond has become hindered and also come to a stand still that was beyond my control. At the time this creditor tried to acquire the required claim documents, the United States Postal Service was lacking in funds. Due to that, the affected states were informed, mail would be late for out going and incoming. This delay transpired



at the same time and several months prior to and after the courts New "Bar Date". This was out of my control.

I am currently incarcerated and have been since 11/20 in Washington State. I only receive two hours of time out of my cell a day. Since the pandemic, the law library has been shut down, my only means of access to be kept abreast of court proceedings. No publications are received except for USA today. That has to be purchased from an outside vendor. I am indigent and unable to purchase said publication. I am ignorant to what is transpiring in the outside world. As soon as I could I sent a request for the forms from Purdue Pharma Claims Center C/O Prime clerk on or about the month of March 2022 and my proof acceptance claim No. 628983

I am Michael Timothy O'Brien, I did attempt to file my claims forms in the fastest time frame possible with regards to my current incarceration and constant state of lockdowns. The Global Pandemic put everything out of my control.



The creditor Michael T O'Brien, alleges that he attempted to follow the courts requirements and rules as best as he was physically capable of doing. IN respect to his current incarceration. This creditor "Acted in Good Faith" (Fed Rules Bankruptcy Procedure, Rule 4006 (B)(1) 11 U.S.C.A. CUI GUF (LUT) master S.A.R V Lehaa Bros Holdings INC 445 B.R. 137 (S.D. N.Y. 2011)

The creditor is the movant requesting for the acceptance of this claim's extension of the bar date so this creditors claims may be recognized as timely

~~✱~~ Excusable Neglect Standard that governs a creditors ability to file a proof of claim after the expiration of the claim bar date is a flexible one and excusable neglect may include inadvertence, mistake or carelessness as well "Intervening Circumstances" beyond the creditors control. (Fed R Bank R.P. 4006 (B)(1) in Re motors liquidation Company 576 BR 761 (Bank R.S.D.N.Y. 2017) under the Excusable Neglect standard governing the filing of late proofs of claims.

progress plainly contemplated that [REDACTED] should be permitted, when appropriate to accept late



late Filings caused by inadvertance, mistake  
or carelessness as well as by intervening  
circumstances beyond a party's control  
(Fed. B. Bank R.P. 9006 (B) in re energy  
Future Holdings Corp. Col 9 BR. 99 (Bank  
R.D. Del 2020

"IV"

wherefore Creditor respectfully prays that this  
Great Court enter judgement granting the  
recognition of A) Personal Injury B) General claims  
proof of claim forms.

Dated This April day of the Forth

Respectfully Submitted

"Verification"

I have read the foregoing & hereby verify  
that the matters alleged therein are true  
except as to matters alleged of information and  
belief and as to these I believe therein to  
be true

I certify under penalty of perjury that  
the foregoing is true and correct



XXX-XX-XX

Michael O'Brien 396 846 U.S. A-4L  
Washington State Penitentiary  
1313 N 13th AVE  
WALLA WALLA, WA 99362

19-23649-shl

Doc 4651

Filed 04/12/22

Entered 04/12/22 09:54:27

Main Document

Pg 5 of 5

SPOKANE WA 990

7 APR 2022 PM 4 L



Honorable Judge Robert D. Drain  
United States Bankruptcy Court  
Southern District of NY  
300 Quirropas Street  
White Plains, NY 10601

THIS WAS MAILED BY AN INCARCERATED  
INDIVIDUAL CONFINED AT A  
WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS FACILITY. ITS CONTENTS  
MAY BE UNCENSORED.

10601-414000

